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AUG 19 2004

FCC - MAILROOM

August 18, 2004

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Petition for Rule Making
Paint Rock, Texas

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of a
Petition for Rule Making to add Channel 296C3 at Paint
Rock, Texas.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

RockP

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MB 04-149

Before the
Federal Communications Commission
Washington, D.C. 20554

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AUG 19 2004
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In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Paint Rock, Texas))

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 296C3 at Paint Rock, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 296C3 to Paint Rock, Texas as that community's first local transmission service. Paint Rock, Texas is an incorporated community with a population of 320 people.¹ Paint Rock has its own post office, its own volunteer fire department, its own mayor, its own city offices and a number of local churches. Paint Rock is a community that is certainly

¹ According to the 2002/ 2003 Texas Almanac.

deserving of a local FM service. The proposed channel 296C3 will provide additional diversity and an outlet for local self-expression to Paint Rock residents and therefore is in the public interest.

In order for Channel 296C3 to be allotted at Paint Rock, Texas, the reference coordinates for the vacant allotment for Channel 296C2 at Big Lake, Texas will need to be relocated approximately 24.22 km northwest.

The proposed changes are as follows:

	<u>Current</u>	<u>Proposed</u>
Paint Rock, TX		296C3
Big Lake, TX	296C2	296C2 ²

Attached hereto is a channel study confirming that Channel 296C3 can be allocated to Paint Rock, Texas consistent with the FCC's FM separation rules provided the necessary change is made at Big Lake, Texas. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (See, Attachment A) Note: the counterproposal in MM Docket No. 01-47 proposing to allot Channel 296A at Brady, Texas was withdrawn on April 16, 2001, Option #1 and on August 10, 2004, Option #2, an effective but not yet final dismissal. (See, Attachment B)

² Relocate reference coordinates approximately 24.22 km northwest.

Reference coordinates for Channel 296C3 at Paint Rock,
Texas are:

31 31 15 N
99 45 45 W

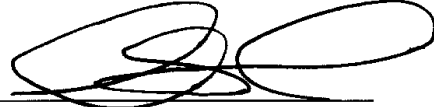
In order for Channel 296C3 to be allotted to Paint
Rock, Texas, the reference coordinates for the vacant
allotment for Channel 296C2 at Big Lake, Texas must be
moved approximately 24.22 km northwest. Attached hereto is
a channel study confirming that the reference coordinates
for Channel 296C2 at Big Lake, Texas can be relocated
approximately 24.22 km northwest consistent with the FCC's
FM separation rules. See revision of FM Assignment
Policies and Procedures, 90 FCC 2d 88. (See, Attachment C)
Reference coordinates for Channel 296C2 at Big Lake, Texas
are:

31 02 00 N
101 38 00 W

Should this petition be granted and Channel 296C3
is allotted to Paint Rock, Texas, Petitioner will apply for
Channel 296C3, and after it is authorized, will promptly
construct the new facility.

The factual information provided in this Petition for
Rule Making is correct and true to the best of my
knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Crawford', written over a horizontal line.

Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

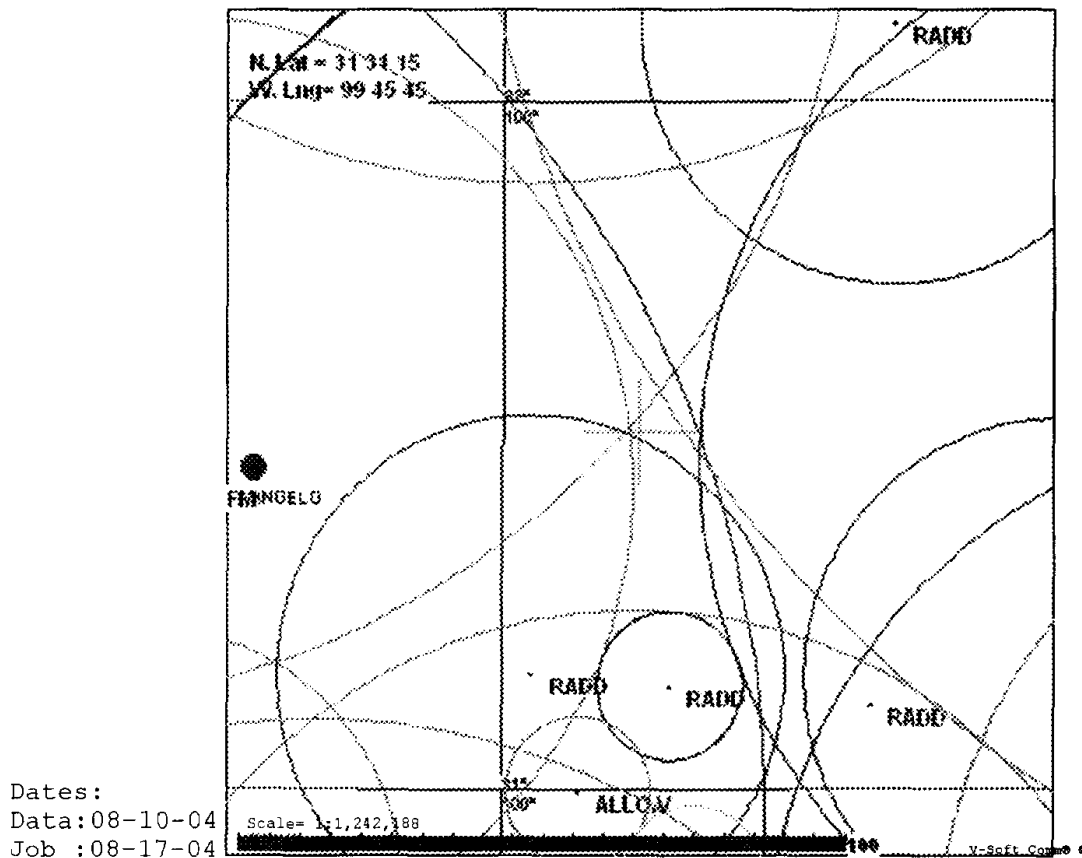
August 18, 2004

Paint

Attachment A

(Channel study for Channel 296C3 at Paint Rock, Texas)

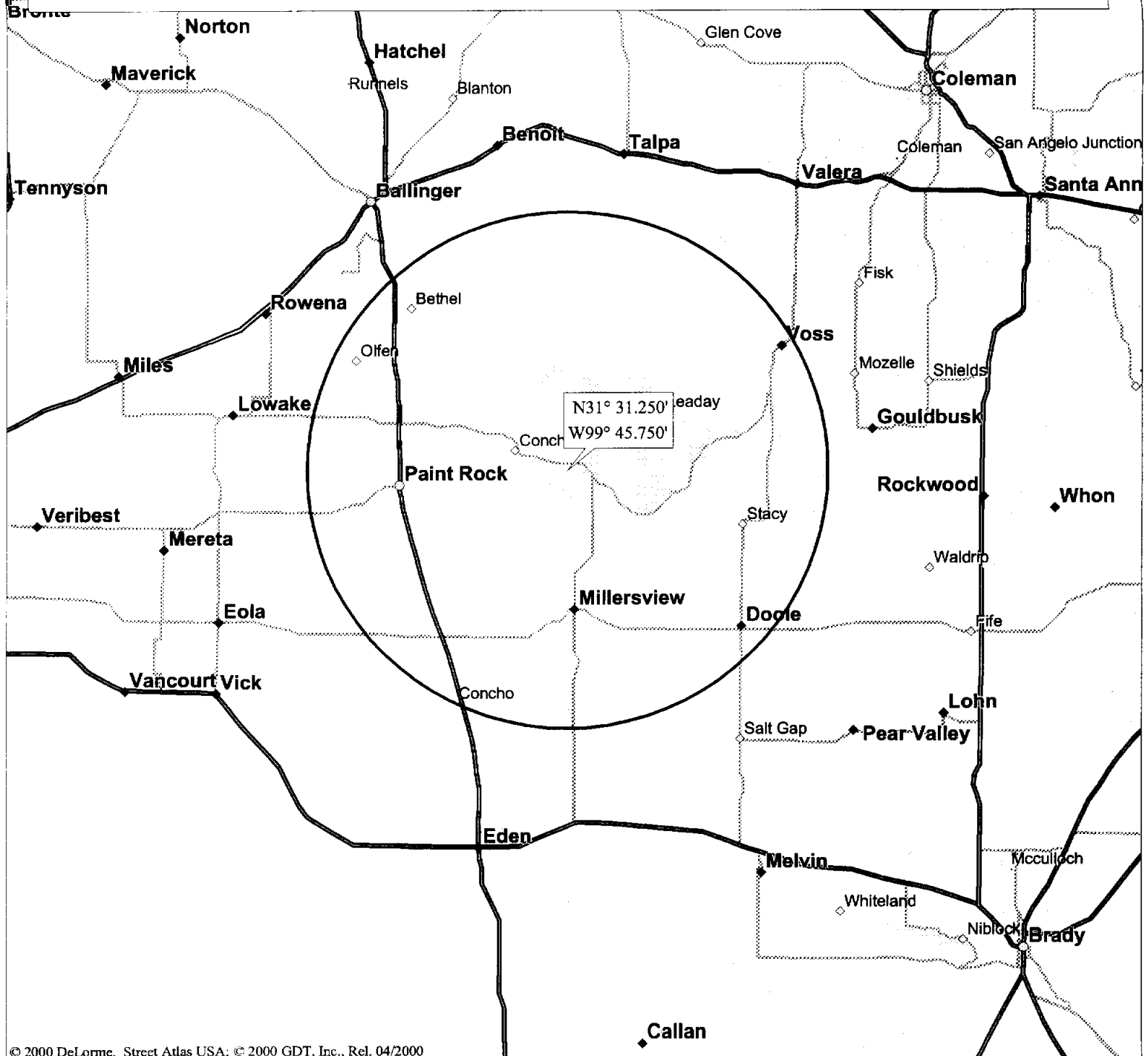
FM PROSP^(TM) LOCATE STUDY CH 296 C3 107.1 MHz



Dates:
Data:08-10-04
Job :08-17-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	296A	ADD	Brady	TX	58.36	138.9	142.0	-83.64
ALLO.V	296C2	VAC	Big Lake	TX	167.85	248.4	177.0	-9.15
RADD	294A	ADD	Eden	TX	43.14	204.4	42.0	1.14
KSJTFM	298C1	LIC	San Angelo	TX	77.43	263.4	76.0	1.43
AL296	296A	RSV	Colorado	TX	143.69	312.4	142.0	1.69
KAUM	296A	LIC	Colorado City	TX	143.69	312.4	142.0	1.69
KDXX	296C1	LIC N	Benbrook	TX	217.31	56.4	211.0	6.31
RADD	297A	ADD	Goldthwaite	TX	99.20	92.7	89.0	10.20
ALLO.V	297A	VAC	Junction	TX	117.89	180.3	89.0	28.89
RADD	242A	ADD	Melvin	TX	41.44	172.9	12.0	29.44
RADD	294A	ADD	Cross Plains	TX	78.30	32.7	42.0	36.30
RADD	299A	ADD	Richland Springs	TX	79.94	119.8	42.0	37.94
KLGD	295C2	LIC	Stamford	TX	158.17	353.5	117.0	41.17
ALLO.V	242A	VAC	Menard	TX	59.01	189.8	12.0	47.01
RADD	297A	ADD	Llano	TX	140.62	128.5	89.0	51.62
RDEL	295C2	DEL	Rocksprings	TX	171.94	198.0	117.0	54.94
ALLO.V	295C2	VAC	Rocksprings	TX	171.94	198.0	117.0	54.94
RDEL	242A	DEL	Menard	TX	73.10	172.8	12.0	61.10
ALLO.V	293A	VAC	Eldorado	TX	109.65	227.7	42.0	67.65
KHLB.C	295A	CP -Z	Burnet	TX	162.62	121.9	89.0	73.62

Paint Rock, TX CH 296C3 70 dBu



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Mag 10.00

Tue Aug 17 17:36 2004

Scale 1:500,000 (at center)

10 Miles

10 KM

Attachment B

(Withdrawal of counterproposal in MM Docket No. 01-47,
Option #1, withdrawal dated April 16, 2001 and Option #2,
withdrawal dated August 10, 2004)

Option #1

Withdrawn April 16, 2001

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Valley Mills, TX)

DOCKET FILE COPY ORIGINAL

MM Docket No. 01-
RM - 10063

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APR 16 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PARTIAL WITHDRAWAL

1. Roy E. Henderson ("KBAL"), licensee of Station KBAL-FM, San Saba, Texas and Pecan Bayou Radio, by their respective counsel, hereby withdraw a portion of their Counterproposal in the above-captioned proceeding, filed on April 9, 2001. Specifically, KBAL withdraws its proposal to upgrade Station KBAL-FM by substituting Ch. 237C3 for Ch. 291A and changing its community of license from San Saba to Goldthwaite, Texas as its first local service (termed "Option I" in the Counterproposal). An affidavit pursuant to Section 1.420(j) of the Commission's Rules is attached regarding KBAL's withdrawal of its expression of interest in a channel at Goldthwaite.

2. This withdrawal does not affect the remaining portion of the Counterproposal (termed "Option II"), in which Pecan Bayou proposed two new FM channel allotments at Richland Springs and Hico, Texas along with KBAL's consent to change channels and transmitter site. The first proposed allotment, of Channel 291A at Richland Springs, can be made if Channel 237A is substituted for Channel 291A at San Saba and Channel 296A is substituted for Channel 237A at Brady, Texas. Channel 237A at San Saba conflicts with the Valley Mills proposal. KBAL reaffirms its consent to the channel substitution at San Saba. Pecan Bayou reaffirms its interest in

applying for and constructing a station at Richland Springs. Pecan Bayou also reaffirms that it will reimburse the Brady licensee for the reasonable expenses in changing channels.

3. Pecan Bayou's second proposed allotment is the new allotment of Channel 285A at Hico, Texas. This allotment can be made consistent with the Commission's spacing requirements if Channel 237A is substituted for vacant Channel 285A at Meridian, Texas. Channel 237A at Meridian also conflicts with the Valley Mills proposal. Pecan Bayou hereby reaffirms its intent to apply for channel 285A at Hico and construct the facility if the allotment is granted.

4. Accordingly, KBAL withdraws its request for a new allotment at Goldthwaite, Texas with a change at Baird, Texas. KBAL and Pecan Bayou continue to request the allotment of new channels to Richland Springs and Hico, Texas as first local services with changes at San Saba, Brady and Meridian, Texas.

Respectfully submitted,

ROY E. HENDERSON

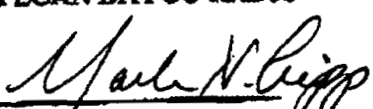
By


Robert J. Buentzle
12110 Sunset Hills Road, Suite 450
Reston, VA 20190
(703) 715-3006

His Counsel

PECAN BAYOU RADIO

By


Mark N. Lipp
Shook Hardy & Bacon, LLP.
600 14th Street, Suite 800
Washington, D.C. 20005
(202) 783-8400
Its Counsel

April 16, 2001

58378.2

AFFIDAVIT OF ROY E. HENDERSON

I, Roy E. Henderson, licensee of KBAL-FM, San Saba, Texas, hereby state that there are no agreements, written or oral, express or implied, relating to the dismissal of my expression of interest in applying for Channel 273C3 at Goldthwaite, Texas. I have not been paid or promised any payment or other consideration in exchange for the withdrawal of that expression of interest.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Roy E. Henderson

CERTIFICATE OF SERVICE

I, Kay D. Dallosta, a secretary in the law firm of Shook, Hardy & Bacon, do hereby certify that I have on this 16th day of April, 2001 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Partial Withdrawal**" to the following:

Robert Lewis Thompson, Esq.
Thiemann Aitken & Vohra, L.L.C.
908 King Street
Suite 300
Alexandria, Virginia 22314

Counsel to Valley Mills Radio Broadcasting
Company, Petitioner

Station KNEL-FM
c/o Farris Broadcasting, Inc.
P.O. Box 630
Brady, Texas 76825

Barry Skidelsky, Esq.
18 East 41st Street
10th Floor
New York, New York 10017-6222

Counsel for Cowboys Broadcasting, LLC,
licensee of Station KAGT(FM)



Kay D. Dallosta

Withdrawn August Option #2
10, 2004

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	MM Docket No. 01-47
)	
Amendment of Section 73.202(b))	RM-10063
Table of Allotments)	RM-10119
FM Broadcast Stations)	RM-10120
(Valley Mills, Texas))	
To: Assistant Chief,		
		Audio Division
		Media Bureau

WITHDRAWAL OF CONSENT AND SUPPORT

On April 9, 2001, a counterproposal was filed in this proceeding by Pecan Bayou Radio ("Pecan Bayou"), and Roy E. Henderson as licensee of radio station KBAL(FM) in San Saba, Texas ("KBAL(FM)"), proposing a change of channel and site proposed by KBAL(FM) ("Option I"), and also a change proposed by Pecan Bayou adding allocations at Hico and Richland Springs, Texas, along with a change of channel and transmitter site for KBAL(FM) to which KBAL(FM) consented ("Option II").

On April 16, 2001, KBAL(FM) and Pecan Bayou jointly filed a "Partial Withdrawal" by which KBAL(FM) withdrew its direct portion of the counterproposal ("Option I"), but continued its consent to the change in channel and transmitter site for KBAL(FM) as proposed by Pecan Bayou in Option II, and also its indicated support of the Pecan Bayou proposal.

Since that time KBAL(FM) has now determined that the changes as proposed for KBAL(FM) by Pecan Bayou are no longer in the station's best interests and, by letter sent on Monday, August 9,

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2004, KBAL(FM) has now advised Pecan Bayou of its withdrawal of consent and withdrawal of support of the Pecan Bayou counterproposal, effective immediately. Also, attached hereto is a copy of the above-referenced letter sent to Pecan Bayou, along with a Declaration of Roy E. Henderson attesting to the facts and certifying that no consideration was received or to be received for any of these actions taken.

Wherefore, it is respectfully requested that the Commission note the change of facts relevant to this proceeding as set forth herein.

Respectfully submitted,

Roy E. Henderson, Licensee of
Radio Station KBAL(FM)

by 

Robert J. Buenzle

His Counsel

Law Offices
Robert J. Buenzle
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
(703) 430-6751

August 10, 2004

DECLARATION

Roy E. Henderson, under penalty of perjury, hereby states and declares the following:

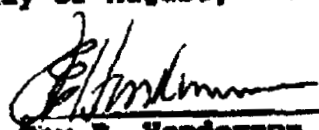
That he is licensee of radio station KBAL(FM) in San Saba, Texas, which joined in support of a counterproposal by Pecan Bayou Radio in MM Docket 01-47, as filed in April of 2001, and where KBAL included its consent to a change of channel and transmitter site as set forth therein; and

That, effective today, KBAL(FM) has advised Pecan Bayou of its withdrawal of consent to channel and site change for KBAL(FM) and its withdrawal of support of the Pecan Bayou proposal, as set forth in a letter to Pecan Bayou sent today, a true copy of which is attached hereto; and

That, to the extent that KBAL(FM) had joined in support of the Pecan Bayou proposal in MM Docket 01-47, and now withdraws that support, that in connection therewith, it is also hereby certified that neither KBAL(FM), nor any principal of KBAL(FM) has received or will receive any money or other consideration in exchange for any of its actions as set forth herein.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 9th day of August, 2004.



Roy E. Henderson,
Licensee, KBAL(FM),
San Saba, Texas

Radio Station KBAL(FM)
1110 West William Cannon Drive
Suite 402
Austin, Texas 78743-3460

August 9, 2004

SENT BY FAX to 202 872-8971

Mark N. Lipp, Esq.
J. Thomas Nolan, Esq.
Vinson & Elkins, L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Mr. Lipp:

In April of 2001, KBAL joined with Pecan Bayou Radio in filing a counterproposal on April 9, 2001, in MM Docket No. 01-47 which included an "Option I" proposal to change the channel and community of KBAL as proposed by KBAL(FM), and an "Option II" proposal by Pecan Bayou for allotments at Hico and Richland Springs, Texas, which also included KBAL's consent to change channels and transmitter site.

On April 16, 2001, The parties filed a partial withdrawal which recognised the withdrawal of KBAL of its proposal (Option I), but which continued the Pecan Bayou Proposal (Option II) along with KBAL's consent and support of that proposal.

It has now been several years since that proposal was filed and KBAL herewith advises you, as counsel for Pecan Bayou, that, effectively immediately, KBAL herewith withdraws its consent and support by KBAL for the Pecan Bayou counterproposal in MM Docket 01-47, and that KBAL will also proceed immediately to report this change to the Federal Communications Commission.

Very truly yours,

Radio Station KBAL(FM)
San Saba, Texas

By: 

Roy E. Henderson, Licensee

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Withdrawal of Consent and Support have been served by United States mail, postage prepaid this 10th day of August, 2004, upon the following:

*John A. Karousos, Esq.
Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau
Federal Communications Commission
Portals II, Room 3-A266
445 12th Street SW
Washington, D.C. 20554

Mark N. Lipp, Esq.
J. Thomas Nolan, Esq.
Vinson & Elkins, L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Robert Lewis Thompson, Esq.
Theiman Aitkin & Vohra, LLP
908 King Street
Suite 300
Alexandria, VA 22314

James L. Oyster, Esq.
Law Offices of James L. Oyster
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Castleton, VA 22716-2839

Ann Bavender, Esq.
Fletcher Heald & Hildreth P.L.C.
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11th Floor
Arlington, Virginia 22209-3801

Gene A. Bechtel, Esq.
Law Office of Gene Bechtel, PC
1050 17th Street, NW
Suite 600
Washington, D.C. 20036



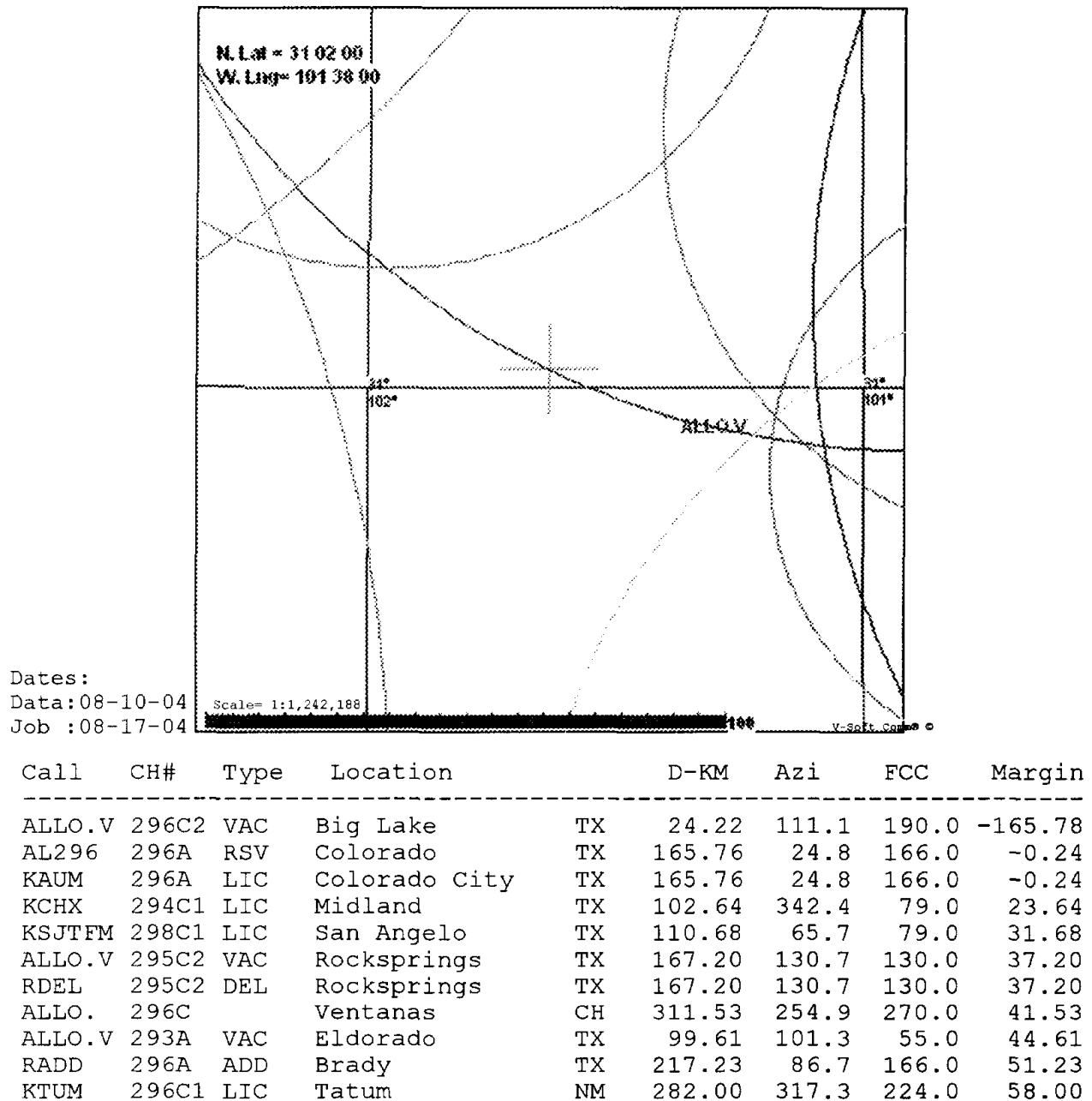
Robert J. Buenzle

* Also sent by fax

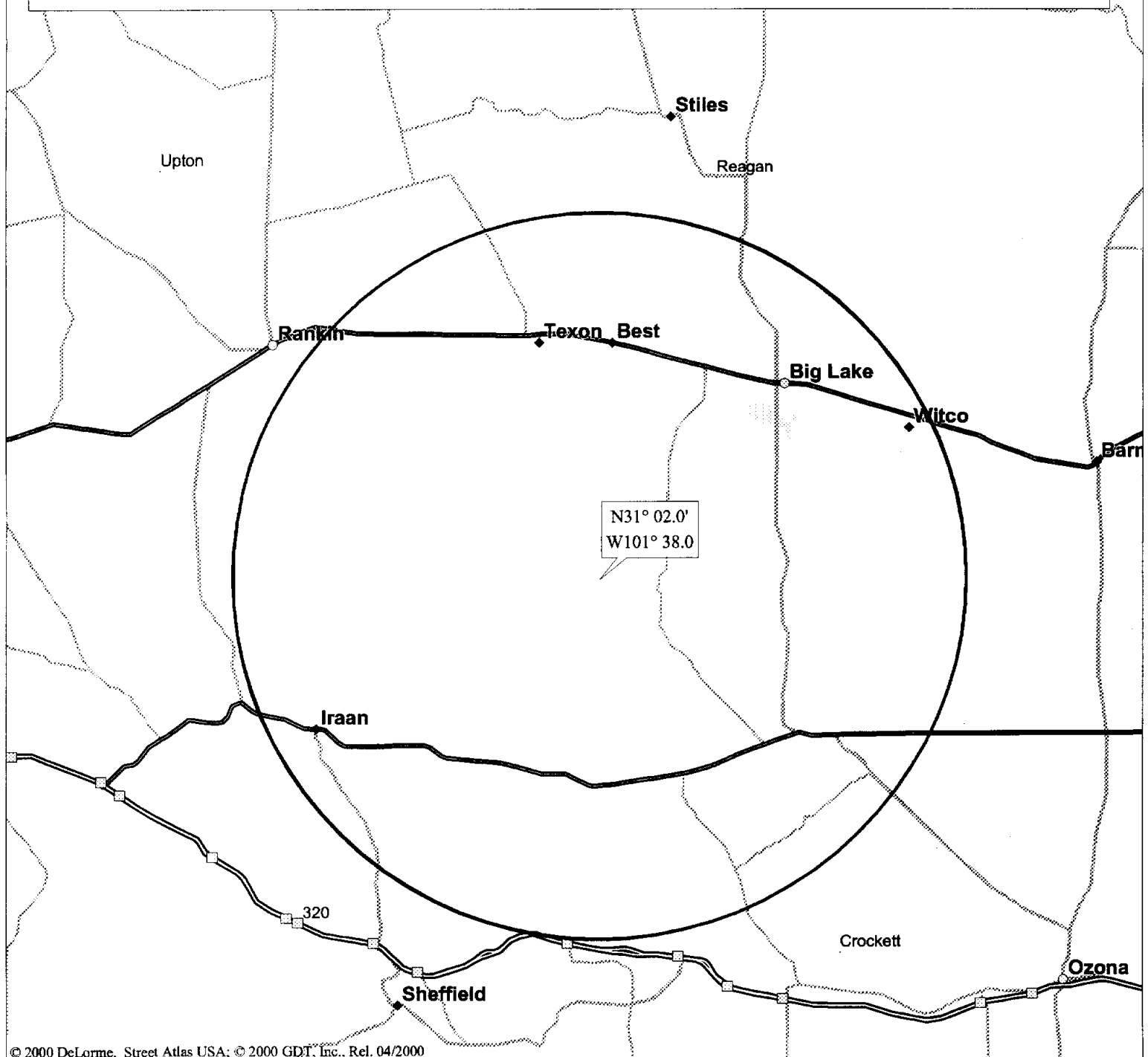
Attachment C

(Channel study for Channel 296C2 at Big Lake, Texas)

FM PROSP^(TM) LOCATE STUDY CH 296 C2 107.1 MHz



Big Lake, TX CH 296C2 70 dBu



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Mag 10.00

Tue Aug 17 17:44 2004

Scale 1:500,000 (at center)

10 Miles

10 KM

- Local Road
- US Highway
- Interstate/Limited Access
- Major Connector
- State Route
- Exit
- County Seat
- ◆ Small Town

Water